

D85LLES1

Deliberations

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

S14 11 Cr. 1091 (VM)

5 PETER LESNIEWSKI, MARIE BARAN
6 and JOSEPH RUTIGLIANO,

7 Defendants.

8 -----x

9 August 5, 2013
10 9:51 a.m.

11 Before:

12 HON. VICTOR MARRERO,

13 District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 BY: JUSTIN S. WEDDLE

DANIEL BEN TEHRANI

18 NICOLE WARE FRIEDLANDER

Assistant United States Attorneys

19 LAW OFFICES OF JOSHUA L. DRATEL, P.C.

20 Attorneys for Defendant Peter Lesniewski

21 BY: JOSHUA LEWIS DRATEL

LINDSAY A. LEWIS

22 DURKIN & ROBERTS

Attorneys for Defendant Peter Lesniewski

23 BY: THOMAS ANTHONY DURKIN

D85LLES1

Deliberations

APPEARANCES CONTINUED

KOEHLER & ISAACS, LLP

Attorneys for Defendant Marie Baran

BY: JOEY JACKSON

JOSEPH W. RYAN, JR.

KEVIN MENEILLY

Attorneys for Defendant Joseph Rutigliano

- also present -

Annie Chen

Emma Larson, Government Paralegals

SA Frank LoMonaco, FBI

Yeni Yrizarry, Defendant Baran Paralegal

oOo

D85LLES1

Deliberations

1 (Trial resumed)

2 (Jury not present)

3 THE COURT: Good morning. Welcome back. I hope you
4 all had a relaxing weekend.

5 Two things. One, the Court received a note from the
6 jury dated today at 9:25 and it says: Good morning. Several
7 jurors have questions -- have requests for additional copy of
8 the instructions and one additional copy of the indictment.
9 They feel it would make it easier for them to follow the many
10 details of the case. Thank you.

11 P.S. Are our voices carrying to distraction into the
12 courtroom?

13 And then, May we please have a few more additional
14 jury note forms.

15 All right. If there's no objection from any of the
16 parties, we will give them an additional copy of the redacted
17 indictment and additional copy of the Court's instructions plus
18 the jury note forms.

19 This will be marked Court Exhibit No. 2.

20 Second, Friday when we left we were going to respond
21 to their request for the transcript of the testimony of two
22 witnesses, Mr. Parlante and Mr. Maher, pertaining to
23 Mr. Rutigliano's services. We asked the parties to confer and
24 develop a response of the appropriate portions of the
25 transcript.

D85LLES1

Deliberations

1 Has an agreement been reached on that?

2 MR. TEHRANI: Unfortunately not, your Honor. We
3 proposed a set of redacted testimony that we believe is
4 responsive to the jury's note. We received some objections
5 from both Mr. Ryan and Mr. Durkin, as well as some additional
6 proposed testimony from Mr. Ryan. We've conferred about that
7 and have reached some limited agreement, but we still seem to
8 have fundamental disagreement about what is responsive to the
9 jury's note.

10 If it's at all helpful, your Honor, I can pass up a
11 copy of both Mr. Parlante's testimony and Mr. Maher's testimony
12 that includes -- it is the government's proposal overlaid with
13 the objections we've received.

14 What it does not include, I do not believe, and I will
15 be corrected if I'm wrong, it does not include Mr. Ryan's
16 proposed additional inserts and we are running copies of those
17 right now.

18 THE COURT: What is the nature of the differences
19 between the two?

20 MR. TEHRANI: The most fundamental difference is the
21 government has proposed reading back the testimony or providing
22 the jury with the testimony about the process that Mr. Maher
23 and Mr. Parlante went through in filling out the application,
24 which includes a discussion of the application, whether certain
25 portions of the application are truthful, and whether Mr. Maher

D85LLES1

Deliberations

1 and Mr. Parlante told that information to Mr. Rutigliano, which
2 in our view is directly responsive to the jury's request for
3 testimony regarding Mr. Rutigliano's assistance in filling out
4 the applications.

5 If these individuals were not telling Mr. Rutigliano
6 the information that's included in the applications that they
7 paid Mr. Rutigliano to fill out, that gets to Mr. Rutigliano's
8 assistance in filling out those application materials.

9 The objections that we received are a couple. One is
10 that Mr. Ryan has referred to it as narrative. I'm not sure
11 exactly what that means. He has also suggested that it gets to
12 nonconversations. I don't believe the jury's note was asking
13 for conversations. I believe what the jury was asking for was
14 information or testimony relating to Mr. Rutigliano's
15 assistance in filling out the application materials. So
16 whether or not there was a conversation about it is not
17 particularly relevant to whether the testimony is responsive to
18 the jury's request.

19 Mr. Rutigliano has or Mr. Ryan has also proposed --
20 and that's not what I'm about to pass up, but has proposed
21 testimony relating to Mr. Rutigliano's reputation, the nature
22 of conductor work, Mr. Parlante's accident or incident, his
23 last day of work, none of which we believe is responsive at all
24 to the jury's request.

25 THE COURT: All right. Mr. Ryan.

D85LLES1

Deliberations

1 MR. RYAN: Let me go in reverse order.

2 With respect to the Parlante testimony, on
3 cross-examination the government agrees that he told
4 Mr. Rutigliano about the episode -- that's getting hit by a
5 train. And I have suggested that the episode, just a short
6 excerpt of what the episode is be included.

7 And as cross-examination continued -- this gives you
8 an idea of the dispute -- as to why Mr. Parlante told
9 Mr. Rutigliano about the episode and he didn't want it included
10 because he was embarrassed. The government objects to all of
11 that. All they want is a section that did you tell
12 Mr. Rutigliano about the episode? I did. That's all they
13 want. That's an example.

14 Then there's another 15 pages of the direct
15 examination where the witness was given a declaration in
16 response to leading questions as to what was true and what was
17 not true on the application. And dispersed in this declarative
18 type testimony they would ask a question, did Mr. -- did you
19 tell that to Mr. Rutigliano? He would say no.

20 So this is a declarative part of the witness's
21 testimony, what he said he picks out in the application was
22 false or inaccurate, but it's not based upon a discussion.

23 My understanding is the jury wants to know what
24 happened between Mr. Rutigliano and Mr. Parlante or
25 Mr. Rutigliano and Mr. Maher. So there's about 15 pages of

D85LLES1

Deliberations

1 this declaratory type testimony that we've objected to.

2 There's also in the Parlante, I'm sorry, in the Maher
3 testimony questions about, the government has included
4 questions about what Mr. Maher told the grand jury on a prior
5 occasion. So gives you an idea of the dispute.

6 Now, I can -- I have listed on a memorandum that I
7 gave to the government what we objected to and what we asked
8 for insertions. I don't know how your Honor wants to handle
9 this. One suggestion I have is I'll hand this up. Government
10 has a copy of it. We'll pick out the transcript portions in
11 dispute. Your Honor can rule on it.

12 THE COURT: All right. Thank you.

13 MR. TEHRANI: Your Honor, just to clarify, if it is
14 helpful for your Honor, that is what we tried to accomplish in
15 the documents that we passed up. So what we passed up was what
16 we had circulated to defense counsel as to what we think is
17 responsive to the jury's note and we've indicated on what we
18 circulated what Mr. Ryan and Mr. Durkin have objected to.

19 And we just got copies of what Mr. Ryan is proposing
20 to add. That would then be the nature -- that would be the
21 document that Mr. Ryan wants to hand up, but it would be in
22 transcript form rather than citation form.

23 MR. RYAN: We would appreciate copies of what was just
24 handed up.

25 THE COURT: There may be several ways we can approach

D85LLES1

Deliberations

1 this.

2 One is to send a note back to the jury asking them to
3 focus more precisely on either portions of the testimony that
4 they're interested in or particular questions that they wanted
5 to review answers to and then see what they say.

6 Second, or the second possibility to ask them is
7 whether they want the entire testimony from those two witnesses
8 from start to finish and see how they respond to that.

9 My take on these issues when they come up in this
10 manner is to try to first see if the jury will refine their
11 questions, zero in on particular issues or subjects that were
12 part of the testimony.

13 Barring that, the jury sat through and they heard the
14 testimony from start to finish. So there are no secrets there
15 other than those that were discussed with the parties at side
16 bars. And if we remove from the transcript the side bars and
17 the questions that were objected to and sustained, then we have
18 a pure transcript of what the jury heard.

19 To the extent the jury heard all of that, I don't see
20 why there would be any objections to the jury hearing it again
21 if that's what they want. But, again, there are no secrets
22 there. It's all part of the transcript. The testimony, they
23 heard it. If they want to hear it a second time, so be it.

24 So if the parties cannot come to an agreement as to
25 what portions of the testimony addresses the question, I'll

D85LLES1

Deliberations

1 give them the whole thing and take out what I just indicated,
2 the side bars and the questions that were objected to and
3 sustained.

4 MR. RYAN: The way I understand your Honor's
5 suggestion is that you would give them a sanitized, if I can
6 use that word, transcript of the testimony.

7 THE COURT: I said failing an agreement that's one way
8 of approaching it. But I will first try to see if they can
9 indicate more precisely the subject of the testimony that they
10 are interested in. And if they say that it's only one portion
11 or one particular topic, then we can hone in on those.

12 But if they cannot clarify, then just give them a
13 sanitized version of the entire testimony and let them pore
14 through it decide what it is they're looking for.

15 Mr. Tehrani.

16 MR. TEHRANI: Your Honor, if I may, the note was
17 fairly specific about what they wanted. So I'm not sure.

18 THE COURT: Not specific enough to avoid questions
19 from the other side as to what it meant.

20 MR. TEHRANI: Well, I don't know that Mr. Ryan's
21 objections make the question any less specific. It seems to be
22 that Mr. Ryan just doesn't want specific testimony before the
23 jury again. And I don't know that what we want to do is in
24 response to a fairly specific question dump an entire
25 transcript of testimony of two witnesses that took hours and

D85LLES1

Deliberations

1 tell the jury --

2 THE COURT: Mr. Tehrani, how would either the
3 government or the defense be prejudiced by having the jury
4 reread what they heard here in open court?

5 MR. TEHRANI: Not at all, your Honor. It's just a
6 matter --

7 THE COURT: If you cannot come to an agreement, that's
8 what I suggest is the direction.

9 MR. TEHRANI: I understand, your Honor. I guess what
10 I'm suggesting is not that providing testimony that the jury
11 has already heard would at all be prejudicial to anyone, it's
12 just a matter of us being helpful and responsive to the jury
13 when they provide a fairly specific request for testimony on a
14 particular issue.

15 You know, one thing that we could do is get your
16 Honor's guidance as to what you think might be responsive to
17 the request, which might help the parties in any kind of
18 discussion or negotiations or just have your Honor rule.

19 MR. RYAN: My suggestion is that your Honor consider
20 giving the jury a note requesting them to be more specific if
21 they can, or would they prefer transcript of the testimony.

22 MR. DRATEL: Just a matter of logistics, it sounds
23 like the Court's preference is to give the jury a copy of the
24 transcript rather than have a read back in open court. Is that
25 my understanding?

D85LLES1

Deliberations

1 THE COURT: That's the way we usually handle it.

2 MR. DRATEL: OK. Thanks.

3 THE COURT: There's no point in having them come out
4 here in open court and reading hours of testimony. Just give
5 it to them and if they want to go through it at their leisure,
6 it's their prerogative.

7 MR. DRATEL: Thank you, your Honor.

8 THE COURT: Mr. Weddle.

9 MR. WEDDLE: Your Honor, I think that the objections
10 by Mr. Rutigliano are just strategic. I don't think there's
11 actually a real dispute here about what is responsive to the
12 jury's note and what is not responsive to the jury's note.

13 I think that if your Honor just looks at the
14 transcript, we marked with a pen in the margin the parts that
15 Mr. Rutigliano objects to and I think that it would be very
16 straightforward to just say he objects to that but that is
17 responsive to the jury's note or it's not responsive to the
18 jury's note and then we just resolve it that way.

19 I think that's a better way to handle this than to
20 redact the whole transcript. And essentially your Honor asked
21 the jury to give a specific request. They gave specific
22 request. In my view, it's quite easy to respond to that
23 request. I don't think there are a lot of gray areas on what
24 is responsive to their request and isn't responsive to their
25 request. Character testimony --

D85LLES1

Deliberations

1 THE COURT: Mr. Weddle, that's in your view, but in
2 Mr. Ryan's view there are gray areas and that's why we're here
3 and that's why the jury has already been waiting 35 minutes for
4 something we told them they would have already this morning.

5 MR. WEDDLE: Your Honor, for Mr. Ryan to say that one
6 of these witness's testimony about Joseph Rutigliano's
7 reputation as a union leader is responsive to the testimony as
8 pertaining to Joseph Rutigliano's assistance with the
9 applications is just not even close to a gray area. That's
10 just something that he wants to put in.

11 And I think that these are -- this should be a
12 straightforward answer. I was surprised by the objections that
13 we received. I think that it's a very straightforward note
14 that's specific. And I think in the actual testimony that's
15 responsive to it is limited and easy to designate and we should
16 just go through and look at what he's objected to and see if
17 your Honor thinks that it's responsive to their request for the
18 testimony of these two people as pertains to Joseph
19 Rutigliano's assistance. I think it clearly is.

20 But I think it would be more useful to do this looking
21 directly at the language than to do it in the abstract because
22 I don't think these are substantial disputes here.

23 THE COURT: Mr. Ryan.

24 MR. RYAN: May I remind the Court that the
25 government's submission is that the witnesses heard about

D85LLES1

Deliberations

1 Mr. Rutigliano and they wanted to make a paper trail. So the
2 circumstances under which they came to Mr. Rutigliano in the
3 government's submission is directly relevant to their other
4 testimony that they went to him as a union leader as well. So
5 that gives you an idea of the benefit of giving the jury both
6 sides of the coin.

7 (Pause)

8 THE COURT: Let me ask, looking at the testimony of
9 Mr. Maher as an example, and as I understand it, the government
10 has blacked out the redacted section, that's blacked out.

11 There's some questions on lines 20 through 22. In the
12 margin it says Ryan objection. And just a couple more pages.
13 A few more pages in, this is on page 974, which begins the long
14 section marked on the left margin as objection.

15 Does that suggest that, Mr. Ryan, your objection is to
16 most of everything from page 974 through roughly 1003?

17 MR. RYAN: Yes, because that's what we have
18 characterized as the declaratory part of the testimony by the
19 witness.

20 MR. TEHRANI: Your Honor, I also note, if you want to
21 look at page 981, we're talking about showing both sides of the
22 coin here, the one portion of this entire section about
23 Mr. Rutigliano's assistance that is not objected to is the
24 portion where the witness testifies that he actually told
25 Mr. Rutigliano something.

D85LLES1

Deliberations

1 MR. RYAN: Yes, I have no objection to that.

2 MR. TEHRANI: The rest of the portion where
3 Mr. Rutigliano filled it out without any input from Mr. Maher
4 is objected to.

5 THE COURT: Let me come back to what I said before
6 now. It seems to me that if we gave the jury everything that's
7 in here that's blocked out and that is objected to, does not
8 that amount to just about all of the testimony of Mr. Maher?

9 MR. TEHRANI: No, your Honor, there's significantly
10 more. What you have is not all of Mr. Maher's testimony with
11 just portions blacked out. If there were entire pages where
12 there was nothing that the government was proposing as
13 responsive to the request, that's not even before you.

14 THE COURT: That portion as to which the parties have
15 no difficulty sending to the jury, does this represent that?
16 Does this excerpt that you've given me represent that portion
17 which you've reviewed together and there's no dispute other
18 than those which are marked in the margin?

19 MR. TEHRANI: Yes, your Honor, although there are some
20 additional inserts that Mr. Rutigliano would propose that are
21 not before you that I could hand up if you would like.

22 MR. RYAN: Please hand them up.

23 THE COURT: And then we still have Mr. Parlante, about
24 which you have the same kind of disputes.

25 MR. TEHRANI: For Mr. Parlante, yes, your Honor.

D85LLES1

Deliberations

1 THE COURT: All right. I'm not going to sit here and
2 engage in this kind of debate as to whether or not something is
3 or is not responsive and the parties cannot agree as to what's
4 responsive.

5 I'm going to ask the jury to be more precise as to the
6 topics of the testimony that they're interested if they can be.
7 We elicit that. If they cannot be, then my inclination is to
8 give them the whole thing and let them -- again, their
9 prerogative, their time -- go through the testimony.

10 In the meantime, we can get an extra copy of the
11 instructions and an extra copy of the indictment and some more
12 jury note forms to hand them. Let me draft.

13 MS. FRIEDLANDER: Your Honor, just one quick comment.
14 First I want to echo what Mr. Weddle said. I think Mr. Ryan
15 has objected essentially to all of the testimony about
16 Mr. Rutigliano's assistance with these people's applications.

17 THE COURT: If he objected to all of it, in that case
18 what's wrong with having the jury see all of it?

19 MR. RYAN: No objection.

20 MS. FRIEDLANDER: This is the point that I wanted to
21 raise is that I think this will create an incentive for the
22 parties not to agree on any response to any juror note for any
23 testimony because now if the answer is going to be simply if
24 you don't like what the government is proposing, don't worry
25 about it, we'll just send back all the testimony, then I think

D85LLES1

Deliberations

1 that's where we're going to wind up in response to every
2 question that we get. So I think this might be not creating
3 the right incentives for the parties going forward.

4 It also sort of punishes the jury. Again, we think
5 this is a pretty specific request as juror notes go. And it's
6 going to be for the jury now to sort through hours of testimony
7 from these witnesses to try to find the response to what we
8 think was a pretty specific question.

9 THE COURT: All right. I heard you.

10 (Pause)

11 THE COURT: Here's the note that I propose sending
12 back to the jury from myself:

13 As to your note of 8/2/13, asks for certain testimony
14 of two witnesses pertaining to Mr. Rutigliano's services:
15 Mr. Maher and Mr. Parlante. The testimony of those witnesses
16 was very extensive. Can you provide more specifics about the
17 subjects, more questions in their testimony that you seek to
18 review as they relate to Mr. Rutigliano.

19 All right. If there's no objection, I will send this
20 to the jury through the court officer.

21 MR. RYAN: I guess your Honor has rejected the
22 alternative of providing them, suggesting a transcript.

23 THE COURT: Depending upon what comes out of this.

24 MR. RYAN: OK.

25 THE COURT: I will add the additional copies of the

D85LLES1

Deliberations

1 instructions, the indictment, and the note forms will be
2 provided to you momentarily.

3 I just added a sentence: The additional copies of the
4 Court's instructions, the indictment, and jury note forms that
5 you requested will be provided momentarily.

6 There's nothing more we can productively do while
7 we're waiting for the clarification, so just recess until we
8 hear back.

9 (Recess pending verdict)

10 (Jury not present; time noted: 11:10 a.m.)

11 THE COURT: Mr. Durkin, are you done with your other
12 matter?

13 MR. DURKIN: Well, I never got started, Judge, because
14 the courtroom was sealed and apparently they couldn't get a
15 secure line to hook me in. So they're going to call me. So if
16 I step out, they're going to call me at some point.

17 THE COURT: That will be fine.

18 MR. DURKIN: Thank you.

19 THE COURT: The Court received a note from the jury
20 dated 10:45 a.m., dated today. Re Maher and Parlante.

21 1. We are confused about how Maher's application was
22 submitted to the RRB.

23 2. May we hear testimony that states Joe Rutigliano
24 was paid in cash to help in application process.

25 Thank you. Signed by the foreperson.

D85LLES2

Deliberations

1 I think that this elicits the specifics that we
2 requested. I cannot imagine them being more narrow and
3 particular in what they're asking. So there's no reason why
4 there should be too much debate about what portions of the
5 testimony of those two witnesses would be responsive.

6 I assume Mr. Rutigliano and Maher, the question is how
7 was the application submitted to the RRB. The question is to
8 whether it was directly by Mr. Rutigliano or to what extent
9 Mr. Maher read it and submitted it. That's probably what the
10 nature of questions relate to, so there's no reason why
11 anything beyond those issues should be pertinent or responsive.

12 Second, with regards to both Mr. Parlante and
13 Mr. Maher, the question is whether they paid Mr. Rutigliano in
14 cash for their services.

15 All right. So if you could then review the testimony
16 and see if you could identify those portions that relate to
17 these two questions, we should be able to put this behind us.

18 For your information, the jury also sent in their
19 lunch order to be delivered at 1 o'clock.

20 All right. If there's nothing else, I will await your
21 response to these two questions from the testimony. If you can
22 agree upon it among yourselves, just provide the copy that has
23 the agreed upon testimony and hand it to the court security
24 officer.

25 If in the unlikely event that there are disputes, then

D85LLES2

Deliberations

1 we'll get back together again. All right.

2 MR. WEDDLE: Thank you, your Honor.

3 THE COURT: Thank you. This will be marked the
4 appropriate court exhibit number now.

5 THE DEPUTY CLERK: Three.

6 THE COURT: We have the Court's note two. So this
7 will be No. 3.

8 (Recess pending verdict)

9 (Jury not present; time noted: 4:41 p.m.)

10 THE COURT: Just a number of housekeeping matters.

11 First, pursuant to the note that was sent by the jury
12 concerning the testimony of Mr. Maher and Mr. Parlante, the
13 parties reached an understanding of what portions of the
14 transcript responded to the jury note and those portions were
15 transmitted to the jury through the court officer.

16 Second, the Court received a note from the jury dated
17 today at 3 p.m. and it reads as follows:

18 Greetings. We're planning to stop deliberations at
19 4:45 today. We are making good progress working through the
20 counts.

21 This will be marked as Court Exhibit No. 4, I believe.

22 The Court also received another note, this one signed
23 by the foreperson today, 4:05 p.m., and it reads as follows:

24 Clarification? Re instructions, page 63, line 17, end
25 of line 17, "The government..." We are confused about why

D85LLES3

Deliberations

1 Counts 19 to 20 are singled out with requirement to identify
2 specific wire transmission. Also, why the phrase "and so on"
3 is included, what it refers to regarding this count.

4 Thank you. Signed by the foreperson.

5 The language of the instructions which this jury note
6 relates is in the instructions on page 63. The text of that
7 passage reads, The government need not prove all of these wire
8 transmissions so long as the government proves at least one of
9 these transmissions for the wire fraud count you are
10 considering. In other words, the government must prove beyond
11 a reasonable doubt one interstate wire transmission for Count
12 19 and at least one interstate transmission for Count 20 and so
13 on.

14 Now, my understanding of the reason why Counts 19 and
15 Count 20 are there was for illustrative purposes. There are
16 six wire fraud counts, 14 through 20, and it just happens that
17 19 and 20 are the last two. The language "and so on" is
18 intended to refer to all of the wire fraud Counts 14 through
19 20, and it just so happens to those two were the last in the
20 list. It could just as well have said 14 and 15 and so on.
21 And so I will so instruct the jury. I'll clarify for the jury.

22 I will also clarify that the language simply means
23 what it says, that for each of the Counts 14 through 20, the
24 jury needs to find at least one wire transmission associated
25 with any particular count that they're considering.

D85LLES3

Deliberations

1 So if there's no misunderstanding about that, I will
2 so clarify for them.

3 If there are no other questions, I will ask the court
4 security officer to bring the jury in. I will give them this
5 clarification and then dismiss them for the evening.

6 (Jury present; time noted: 4:47 p.m.)

7 THE COURT: Good afternoon. Thank you. Welcome back.

8 We have received your note indicating that you
9 contemplate or contemplated returning as of 4:45, so that's
10 fine. We're calling you to adjourn you for the day.

11 I also have your later note seeking clarification
12 about the instruction on page 63. That relates to the wire
13 fraud counts, and you indicate that you were confused about why
14 Counts 19 and 20 are singled out to identify specific wire
15 transmission and also what the meaning of the phrase "and so
16 on," why it's included at the end of that sentence.

17 As you are aware by now, the indictment contains seven
18 wire fraud counts, 14 through 20. There are seven of them. It
19 just so happens that 19 and 20 are the last two. So the
20 instruction that is given there pertains to all seven, meaning
21 that the government need not prove all of the wire
22 transmissions. It needs to prove at least one associated with
23 each of the seven counts. And when we indicate Counts 19 and
24 20 and we say and so on, it means that this applies to all of
25 them. I could just as well have said 14 and 15 and so on.

D85LLES3

Deliberations

1 THE FOREPERSON: OK.

2 THE COURT: Clear?

3 THE FOREPERSON: I think so. Thank you.

4 THE COURT: So with that I will understand that you're
5 adjourning for the evening and you're returning tomorrow, what
6 time?

7 THE FOREPERSON: 9:30.

8 THE COURT: All right. I want to thank you again.
9 And recall the standard instruction. At some point I'll just
10 say ditto and you'll know what I mean, press a button.

11 Do not discuss the case among yourselves or with
12 anyone on the outside or have any contact of any kind with
13 anyone involved with the case. If any of these things occur,
14 you're directed to inform me immediately and not discuss it
15 with your fellow jurors.

16 Have a good evening. We'll see you tomorrow.

17 THE FOREPERSON: Thank you very much.

18 (Jury not present; time noted: 4:51 p.m.)

19 THE COURT: Just one further note very briefly.

20 Mr. Ryan has requested that we provide him with copies
21 of the jury notes. These notes have been read into the record.
22 They're part of the record. So if anybody wishes to have
23 copies for your purposes, we will make them available.

24 I understand there was a request from a member of the
25 press for copies of the jury notes. For the same reason,

D85LLES3

Deliberations

1 they're part of the public record. They've been read into the
2 transcripts. So I have no reason not to provide them to
3 members of the press if requested.

4 If there's nothing else, then I thank you and have a
5 good evening. We'll see you tomorrow.

6 (Adjourned to August 6, 2013, at 9:30 a.m.)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25